

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF:

WEST SHORE PIPE LINE CO.  
BUCKEYE PIPE LINE COMPANY, L.P.  
Respondents

) ORDER FOR  
) COMPLIANCE UNDER SECTION  
) 311 (c) OF THE CLEAN WATER ACT  
) DOCKET NO: CWA 1321-5-11-001  
)

**I. JURISDICTION AND GENERAL PROVISIONS**

1. The United States Environmental Protection Agency (EPA) is issuing this Order to Buckeye Pipe Line Company, L.P. and West Shore Pipe Line Co. (Respondents). This Order is issued pursuant to the authority vested in the President of the United States by Section 311(c) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(c), as amended (CWA). This authority has been delegated to the Administrator of the EPA by Executive Order No. 12777, 58 Federal Register 54757 (October 22, 1991), and delegated to the EPA Regional Administrators by EPA delegation No. 2-89 and redelegated to On-Scene Coordinators by EPA Region 5 Delegation No. 2-89.

2. This Order requires performance of removal actions in connection with the release of oil at or from a facility located at or about 13803 South New Avenue, Lockport, Illinois. This Order requires the Respondents to immediately conduct removal of a discharge or to mitigate or prevent a substantial threat of a discharge of oil.

**II. PARTIES BOUND**

3. This Order applies to Respondents. This Order further applies to persons acting on behalf of Respondents, or who succeed to an interest in Respondents. Any change in ownership or corporate status of Respondents, including but not limited to a transfer of assets or real or personal property, will not alter Respondents' responsibilities under the Order.

4. Respondents must ensure that their contractors, subcontractors, and agents comply with this Order. Respondents will be liable for any violations of the Order by its employees, agents, contractors, or subcontractors.

**III. DEFINITIONS**

5. Unless otherwise expressly provided herein, terms used in this Order which are defined in Section 311 of the CWA, or in the Oil Pollution Act (OPA) shall have the meaning assigned to them in CWA or OPA. Whenever terms listed below are used in this Order or in the appendices attached hereto and incorporated hereunder, the following definitions shall apply.

6. "Oil" shall have the meaning set forth in Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), for the purposes of the work to be performed under this Order, and Section 1001(23) of OPA, 33 U.S.C. § 2701(23), for purposes of reimbursement of costs.
7. "Hazardous substance" shall have the meaning set forth in Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14).
8. "Navigable waters" shall have the meaning set forth in Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and Section 1001(21) of OPA, 33 U.S.C. § 2701(21) and 40 C.F.R. Part 110.
9. "Facility" shall have the meaning set forth in Sections 311(a)(10) and (a)(11) of the CWA, 33 U.S.C. §§ 1321(a)(10) and (a)(11), and by Sections 1001(22) and (24) of OPA, 33 U.S.C. §§ 2701(22) and (24).
10. "Discharge" shall have the meaning set forth in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2) and 40 CFR Part 110.1 for purposes of the work to be performed under this Order, and shall have the meaning set forth in Section 1001(7) of OPA, 33 U.S.C. § 2701(7), for purposes of reimbursement of cost.
11. "Order" shall mean this Order and all appendices attached hereto. In the event of conflict between this Order and any appendix, this Order shall control.
12. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan, codified at 40 C.F.R. Part 300, including, but not limited to, any amendments thereto.

#### IV. FINDINGS OF FACT AND VIOLATIONS

13. The facility is a pipeline located at or about 13803 South New Avenue, Lockport, Illinois.
14. According to the National Response Center (NRC) Report submitted by Respondents, on December 14, 2010, at approximately 9:08 am Central Time Respondents' pipeline (a 12-inch pipe) began discharging an unknown quantity of crude oil into a storm drain. EPA responded to the reports and determined that the discharge flowed approximately 300 yards from the pipeline south and west down a ravine. It then travelled under a railroad culvert another 100 yards and into a wetland area. The wetland is adjacent to and appears to flow into the I&M Ship Canal. The I&M Ship Canal flows into the Des Plaines River. It is approximately 1000 feet from the Des Plaines River. There are state and federal listed endangered species in the vicinity of the spill. To date, EPA representatives have observed oil in the wetland area.
15. On or about December 14, 2010, a discharge or a substantial threat of a discharge of oil, reached or may reach a tributary of the Des Plaines River or the Des Plaines River and/or the adjoining shorelines. The tributary and the Des Plaines River are navigable waters of the United States.



16. Respondents are the owner and/or operator of the facility or vessel from which the discharge or substantial threat of a discharge took place.

17. Respondents have cooperated with EPA, clamped the pipeline to stop the flow of oil and deployed oil recovery and containment equipment.

#### V. ORDER

Respondents must comply with the following requirements:

##### Work to Be Performed

18. Respondents must perform the work necessary to complete the tasks described below within the dates specified and in accordance with the National Contingency Plan, 40 C.F.R. Part 300.

19. Respondents must identify a contact person responsible for the work required by this Order within 1 business day of issuance of this Order.

20. Respondents must take the following immediate stabilization and mitigation actions:

- a. Stop the flow of oil from the facility by December 16, 2010;
- b. Remediate the release of oil by December 25, 2010, except as provided below or otherwise directed by EPA;
- c. Immediately deploy and maintain appropriate oil recovery and containment devices and equipment, i.e. berms, skimmers, vacuum trucks, absorbent/containment booms;
- d. Perform air monitoring and sampling as directed by EPA and public health officials by December 16, 2010, and thereafter;
- e. Perform water, soil and sediment sampling of impacted areas as directed by EPA or its authorized representative by December 16, 2010, and thereafter;
- f. Remove surface contamination and restore the original grade in the area east of the railroad tracks by December 25, 2010;
- g. Remove subsurface contamination and restore the excavated areas east of and underneath the railroad tracks and culvert in accordance with a schedule reviewed and approved by EPA. The schedule shall be submitted as part of the Work Plan required by paragraph 20.h below;
- h. In the area west of the railroad tracks conduct trenching operations to facility recovery, perimeter sampling to define extent of contamination and contain gross contamination immediately and in accordance with any schedule approved by EPA. For residual contamination in this area remove and restore in accordance with a schedule contained within a Work Plan approved by EPA (Removal Work Plan). The Removal Work Plan must be submitted to EPA by December 29, 2010 and is subject to EPA review, approval and/or modification;
- i. Dispose of all site generated wastes at EPA approved disposal facilities;
- j. Record and track the volume of recovered oil during the response, including but

not limited to oil, oily water and other oily materials (e.g., booms);

- k. Submit to EPA a copy of Respondents' most recent pipeline inspection report applicable to the facility by December 20, 2010; and
- l. By February 14, 2010, submit a report to EPA detailing all work completed including monitoring and analytical data, disposal records, and all documentation related to the response actions completed by January 31, 2010. Respondents shall submit a final report to EPA within 30 days after completion of the work required by this Order.

21. Within 2 business days from the effective date of this Order, Respondents must develop and submit to EPA for approval, a Project Work Plan and schedule for completing the actions described above. Respondents must begin work within 2 business days of EPA's approval of the Project Work Plan. The Project Work Plan must include a schedule for development and implementation of the following tasks:

- Completion of the removal and restoration activities required by paragraph 20
- Health and Safety Plan
- Pipeline Repair Work Plan as approved by the Department of Transportation
- Sampling and Analysis Plan
- Quality Assurance Project Plan (QAPP)
- Oil Recovery and Containment Plan
- Remediation Plan for all impacted areas
- Remediation Plan for Downstream Impacted Areas

Waste Treatment, Transportation, and Disposal Plan

22. Respondents must submit the Work Plans and all reports to:

James Mitchell  
U.S. EPA  
On-Scene Coordinator  
Superfund Response Section  
77 W. Jackson Blvd. (SE-5J)  
Chicago, IL 60604  
[Mitchell.james@epa.gov](mailto:Mitchell.james@epa.gov)

and

Richard Clarizio  
U.S. EPA  
Office of Regional Counsel  
77 W. Jackson Blvd. (C-14J)  
Chicago, IL 60604  
[Clarizio.richard@epa.gov](mailto:Clarizio.richard@epa.gov)

EPA will approve, disapprove and require modifications, or modify Respondents' Work Plans. Respondents may submit a revised Work Plan within 3 days of any EPA disapproval, provided



site conditions allow for such time. Once approved or approved with modifications, Respondents' Work Plans and schedules shall become an enforceable part of this Order.

#### Reporting Requirements

23. Respondents must submit a written report to EPA concerning actions to be performed and actions undertaken pursuant to this Order every 7 calendar days with the first report due on December 22, 2010, and thereafter until termination of this Order, unless otherwise directed in writing by EPA personnel. These reports must describe all significant developments during the preceding period, including work performed and any problems encountered, analytical data received during the reporting period, volume of oil recovered during the response, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems and planned resolutions of past or anticipated problems.

24. Respondents may assert a business confidentiality claim pursuant to 40 C.F.R. § 2.203(b) with respect to part or all of any information submitted to EPA pursuant to this Order, provided such claim is allowed by Section 308(b)(2) of CWA, 33 U.S.C. § 1318(b)(2). EPA shall only disclose information covered by a business confidentiality claim to the extent permitted by, and by means of the procedures set forth at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, EPA may make it available to the public without further notice to Respondents. Respondents must not assert confidentiality claims with respect to any data or documents related to site conditions, sampling or monitoring.

#### Access to Property and Information

25. Respondents must provide access to the facility, to off-site areas where access is necessary to implement this Order, and to all documents related to conditions at the facility and work conducted under the Order. Respondents must provide this access to EPA and the United States Coast Guard and their contractors and representatives. Respondents shall notify EPA immediately of any denial of access to areas that they do not own or control.

### VI. RESERVATION OF RIGHTS AND PENALTIES

26. This Order shall not preclude EPA from taking any action authorized by the CWA, the OPA, the National Contingency Plan, or any other applicable law. EPA reserves the right to direct all activities including off-facility shipping, disposal and all other matters. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order or from taking any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to the CWA, the OPA, or other applicable law.

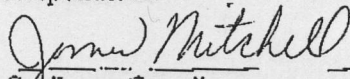
27. Respondents must notify EPA of any response actions that are not described in this Order.

28. Violation of any term of this Order may subject Respondents to a civil penalty of up to

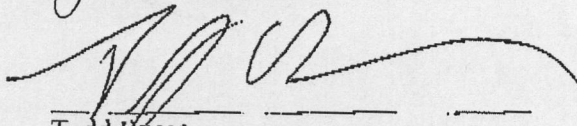
\$37,500 per day of violation or an amount up to three times the cost incurred by the Oil Spill Liability Trust Fund as a result of such failure under Section 311(b)(7)(B) of the CWA. 33 U.S.C. § 1321(b)(7)(B). as adjusted by 40 C.F.R. § 19.4.

### VII. EFFECTIVE DATE

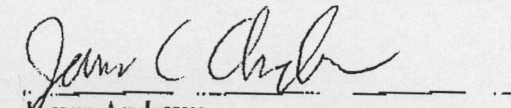
29. The effective date of this Order shall be the date of the receipt of this Order by the Respondents.

  
On-Scene Coordinator

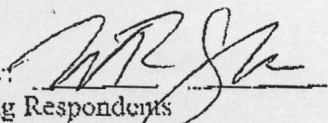
12/16/2010  
Date

  
Todd Russo,  
Buckeye Pipe Line Company L.P.

12/16/10  
Date

  
James Andrews  
West Shore Pipe Line Co.

12/16/2010  
Date

Received by:   
Representing Respondents

12/16/2010  
Date

Copy of Signed Order to: Todd Russo, Buckeye Pipe Line Company, L.P. and  
James Andrews, West Shore Pipe Line Co.